

CHAPTER 77

REGULATION OF PLUMBING AND MECHANICAL SYSTEMS AND CONTRACTORS

S.F. 427

AN ACT relating to the licensing of plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professionals, including transition provisions, including effective date provisions, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 91C.1, Code 2013, is amended by adding the following new subsection: NEW SUBSECTION. 3. The labor services division of the Iowa department of workforce development and the Iowa department of public health will work with stakeholders to develop a plan to combine the contractor registration and contractor licensing application process for contractors licensed under chapter 105, to be implemented in time for licensing renewals due July 1, 2017. The department of public health shall transfer to the labor services division a portion of each contractor license fee equal to three times the current contractor registration fee. Effective July 1, 2017, a contractor licensed under chapter 105 shall register as a contractor under this chapter in conjunction with the contractor licensing process. At no cost to the labor services division, the department of public health shall collect both the registration and licensing applications as part of one combined application. The labor commissioner shall design the contractor registration application form to exclude from the division of labor's contractor registration application process those contractors who are also covered by chapter 105. The labor commissioner is authorized to adopt rules as needed to accomplish a merger of the application systems including transitional registration periods and fees.

Sec. 2. Section 105.2, subsections 1, 3, 6, 9, 10, 11, 12, and 17, Code 2013, are amended to read as follows:

1. "Apprentice" means any person, other than a helper, journey person, or master, who, as a principal occupation, is engaged in working as an employee of a plumbing, HVAC, refrigeration, mechanical, HVAC-refrigeration, sheet metal, or hydronic systems contractor under the supervision of either a master or a journey person and is progressing toward completion of an apprenticeship training program registered by the office of apprenticeship of the United States department of labor while learning and assisting in the design, installation, and repair of plumbing, HVAC, refrigeration, sheet metal, or hydronic systems, as applicable.

3. "Contractor" means a person or entity that provides plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems services on a contractual basis and who is paid a predetermined amount under that contract for rendering those services.

6. "Helper" means a person engaged in general manual labor activities who provides assistance to an apprentice, journey person, or master while under the supervision of a journey person or master.

9. "Journey person" means any person, other than a master, who, as a principal occupation, is engaged as an employee of, or otherwise working under the direction of, a master in the design, installation, and repair of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems, as applicable.

10. "Master" means any person who works in the planning or superintending of the design, installation, or repair of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems and is otherwise lawfully qualified to conduct the business of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems, and who is familiar with the laws and rules governing the same.

11. "Mechanical professional" means a person engaged in the HVAC, refrigeration, sheet metal, or hydronic industry.

12. "Mechanical systems" means HVAC, refrigeration, sheet metal, and hydronic systems.

17. "Routine maintenance" means the maintenance, repair, or replacement of existing fixtures or parts of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic

systems in which no changes in original design are made. Fixtures or parts do not include smoke and fire dampers, or water, gas, or steam piping permanent repairs except for traps or strainers. "Routine maintenance" shall include emergency repairs, and the board shall define the term "emergency repairs" to include the repair of water pipes to prevent imminent damage to property. "Routine maintenance" does not include the replacement of furnaces, boilers, cooling appliances, or water heaters more than one hundred gallons in size.

Sec. 3. Section 105.2, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 18. "Sheet metal" means heating, ventilation, air conditioning, pollution control, fume hood systems and related ducted systems or installation of equipment associated with any component of a sheet metal system. "Sheet metal" excludes refrigeration and electrical lines and all natural gas, propane, liquid propane, or other gas lines associated with any component of a sheet metal system.

Sec. 4. Section 105.3, subsection 7, Code 2013, is amended to read as follows:

7. The board may maintain a membership in any national organization of state boards for the professions of plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic professionals, with all membership fees to be paid from funds appropriated to the board.

Sec. 5. Section 105.4, subsection 1, Code 2013, is amended to read as follows:

1. a. The board shall establish by rule a plumbing installation code governing the installation of plumbing in this state. Consistent with fire safety rules and standards promulgated by the state fire marshal, the board shall adopt the most current version of the uniform plumbing code and the international mechanical code, as the state plumbing code and the state mechanical code, to govern the installation of plumbing and mechanical systems in this state. The board shall adopt the current version of each code within six months of its being released. The board may adopt amendments to each code by rule. The board shall work in consultation with the state fire marshal to ensure that proposed amendments do not conflict with the fire safety rules and standards promulgated by the state fire marshal. The state plumbing code and the state mechanical code shall be applicable to all buildings and structures owned by the state or an agency of the state and in each local jurisdiction.

b. Except as provided in paragraph "c", a local jurisdiction is not required to adopt by ordinance the state plumbing code or the state mechanical code. However, a local jurisdiction that adopts by ordinance the state plumbing code or the state mechanical code may adopt standards that are more restrictive. A local jurisdiction that adopts standards that are more restrictive than the state plumbing code or the state mechanical code shall promptly provide copies of those standards to the board. The board shall maintain on its internet site the text of all local jurisdiction standards that differ from the applicable statewide code. Local jurisdictions shall not be required to conduct inspections or take any other enforcement action under the state plumbing code and state mechanical code regardless of whether the local jurisdiction has adopted by ordinance the state plumbing code or the state mechanical code.

c. A local jurisdiction with a population of more than fifteen thousand that has not adopted by ordinance the state plumbing code and state mechanical code shall have until December 31, 2016, to do so. Cities that have adopted a plumbing code or mechanical code as of the effective date of this Act shall have until December 31, 2016, to adopt the state plumbing code or the state mechanical code in lieu thereof.

Sec. 6. Section 105.5, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The board shall adopt an industry standardized examination for each license type. If a standardized examination is not available for a specified license type, the board shall work with the appropriate testing vendor to create an examination for the specified license type.

Sec. 7. Section 105.9, subsections 6, 7, 8, and 10, Code 2013, are amended by striking the subsections.

Sec. 8. Section 105.9, Code 2013, is amended by adding the following new subsection:
NEW SUBSECTION. 11. a. Licenses issued under this chapter on or after July 1, 2014, shall expire on the same renewal date every three years, beginning with June 30, 2017.

b. New licenses issued after the July 1 beginning of each three-year renewal cycle shall be prorated using a one-sixth deduction for each six-month period of the renewal cycle.

Sec. 9. Section 105.10, subsections 1 and 2, Code 2013, are amended to read as follows:

1. Except as provided in section 105.11, a person shall not operate as a contractor or install or repair plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems without obtaining a license issued by the board, or install or repair medical gas piping systems without obtaining a valid certification approved by the board.

2. Except as provided in section 105.11, a person shall not engage in the business of designing, installing, or repairing plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems unless at all times a licensed master, who shall be responsible for the proper designing, installing, and repairing of the HVAC, refrigeration, sheet metal, or hydronic system, is employed by the person and is actively in charge of the plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic work of the person. An individual who performs such work pursuant to a business operated as a sole proprietorship shall be a licensed master in the applicable discipline.

Sec. 10. Section 105.10, subsection 3, Code 2013, is amended by striking the subsection and inserting in lieu thereof the following:

3. An individual holding a master mechanical license shall not be required to get an HVAC-refrigeration, sheet metal, or hydronic license in order to design, install, or repair the work defined in this chapter as mechanical, HVAC-refrigeration, sheet metal, or hydronic work. An individual holding a journey mechanical license shall not be required to get an HVAC-refrigeration, sheet metal, or hydronic license in order to install and repair the work defined in this chapter as mechanical, HVAC-refrigeration, sheet metal, or hydronic work. An individual holding a master or journey mechanical license shall also not be required to obtain a special, restricted license that is designated as a sublicense of the mechanical, HVAC-refrigeration, sheet metal, or hydronic licenses.¹

Sec. 11. Section 105.10, subsection 5, Code 2013, is amended by striking the subsection.

Sec. 12. Section 105.11, subsections 1, 7, and 10, Code 2013, are amended to read as follows:

1. Apply to a person licensed as an engineer pursuant to chapter 542B, licensed as a manufactured home retailer or certified as a manufactured home installer pursuant to chapter 103A, registered as an architect pursuant to chapter 544A, or licensed as a landscape architect pursuant to chapter 544B who provides consultations or develops plans or other work concerning plumbing, HVAC, refrigeration, sheet metal, or hydronic work and who is exclusively engaged in the practice of the person's profession.

7. Require a helper engaged in general manual labor activities while providing assistance to an apprentice, journeyman, or master to obtain a plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic license. Experience as a helper shall not be considered as practical experience for a journeyman license.

10. Apply to the employees of manufacturers, manufacturer representatives, or wholesale suppliers who provide consultation or develop plans concerning plumbing, HVAC, refrigeration, sheet metal, or hydronic work, or who assist a person licensed under this chapter in the installation of mechanical or plumbing systems.

Sec. 13. Section 105.12, subsection 1, Code 2013, is amended to read as follows:

1. A contracting, plumbing, ~~HVAC, refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic license shall be in the form of a certificate under the seal of the department, signed by the director of public health, and shall be issued in the name of the board. The license number shall be noted on the face of the license.

¹ See chapter 140, §56 herein

Sec. 14. Section 105.15, Code 2013, is amended to read as follows:

105.15 Registry of licenses.

The name, location, license number, and date of issuance of the license of each person to whom a license has been issued shall be entered in a registry kept in the office of the department to be known as the plumbing, ~~HVAC, refrigeration, mechanical, HVAC-refrigeration, sheet metal,~~ or hydronic registry. The registry may be electronic and shall be open to public inspection; ~~however.~~ However, the licensee's home address, home telephone number, and other personal information as determined by rule shall be confidential.

Sec. 15. Section 105.16, Code 2013, is amended to read as follows:

105.16 Change of residence.

If a person licensed to practice as a contractor or a plumbing, ~~HVAC, refrigeration, mechanical, HVAC-refrigeration, sheet metal,~~ or hydronic professional under this chapter changes the person's residence or place of practice, the person shall so notify the board.

Sec. 16. Section 105.17, Code 2013, is amended to read as follows:

105.17 Preemption of local licensing requirements.

1. The provisions of this chapter regarding the licensing of plumbing, ~~HVAC, refrigeration, mechanical, HVAC-refrigeration, sheet metal,~~ and hydronic professionals and contractors shall supersede and preempt all plumbing, ~~HVAC, refrigeration, mechanical, HVAC-refrigeration, sheet metal,~~ hydronic, and contracting licensing provisions of all governmental subdivisions.

a. ~~A governmental subdivision that issues licenses on July 1, 2008, shall continue to issue licenses until June 30, 2009.~~ On July 1, 2009, all plumbing and mechanical licensing provisions promulgated by any governmental subdivision shall be null and void, except reciprocal licenses as provided in section 105.21, and of no further force and effect.

b. On and after July 1, 2008, a governmental subdivision shall not prohibit a contractor or a plumbing, ~~HVAC, refrigeration, mechanical, HVAC-refrigeration, sheet metal,~~ or hydronic professional licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any plumbing and mechanical licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

2. Nothing in this chapter shall prohibit a governmental subdivision from assessing and collecting permit fees or inspection fees related to work performed by ~~plumbers and mechanical plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic~~ professionals.

Sec. 17. Section 105.18, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The board shall issue separate master licenses for plumbing, HVAC, refrigeration mechanical, HVAC-refrigeration, sheet metal, and hydronic professionals and for contractors. The board shall issue journeyperson licenses for plumbing, mechanical, HVAC-refrigeration, sheet metal, and hydronic professionals. A plumbing license shall allow an individual to perform work defined as plumbing. A mechanical license shall allow an individual to perform work defined as HVAC, refrigeration, sheet metal, and hydronic. An HVAC-refrigeration license shall allow an individual to perform work defined as HVAC and refrigeration. A hydronic license shall allow an individual to perform work defined as hydronic. A sheet metal license shall allow an individual to perform work defined as sheet metal. The board shall issue the separate licenses as follows:

Sec. 18. Section 105.18, subsection 2, paragraph b, Code 2013, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) An individual who has passed both the journeyperson HVAC-refrigeration examination and the journeyperson hydronic examination separately shall be qualified to be issued a journeyperson mechanical license without having to pass the journeyperson mechanical examination.

Sec. 19. Section 105.18, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. *Master license.* (1) In order to be licensed by the board as a master, a person shall do all of the following:

(1) (a) File an application and pay application fees as established by the board, which application shall establish that the person meets the minimum educational and experience requirements adopted by the board.

(2) (b) Pass the state master licensing examination for the applicable discipline.

(3) (c) Provide evidence to the board that the person has previously been a licensed journeyman or master in the applicable discipline.

(2) An individual who has passed both the master HVAC-refrigeration examination and the master hydronic examination separately shall be qualified to be issued a master mechanical license without having to pass the master mechanical examination.

Sec. 20. Section 105.18, subsection 2, paragraph d, subparagraph (1), Code 2013, is amended by striking the subparagraph and inserting in lieu thereof the following:

(1) File an application and pay application fees as established by the board and establish that the person meets the minimum requirements adopted by the board. Through June 30, 2017, the application shall include the person's state contractor registration number. After July 1, 2017, the application shall include proof of workers compensation insurance coverage, proof of unemployment insurance compliance, and, for out-of-state contractors, a bond as described in chapter 91C.

Sec. 21. Section 105.18, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. *Special, restricted license.* The board may by rule provide for the issuance of special plumbing and mechanical professional licenses authorizing the licensee to engage in a limited class or classes of plumbing or mechanical professional work, which class or classes shall be specified on the license. Each licensee shall have experience, acceptable to the board, in each such limited class for which the person is licensed. The board shall designate each special, restricted license to be a sublicense of either a plumbing, HVAC, refrigeration, mechanical, HVAC-refrigeration, sheet metal, or hydronic license. A special, restricted license may be a sublicense of multiple types of licenses. An individual holding a master or journeyman, plumbing, HVAC, refrigeration, mechanical, HVAC-refrigeration, sheet metal, or hydronic license shall not be required to obtain any special, restricted license which is a sublicense of the license that the individual holds. Special plumbing and mechanical professional licenses shall be issued to employees of a rate-regulated gas or electric public utility who conduct the repair of appliances. "Repair of appliances" means the repair or replacement of mechanical connections between the appliance shutoff valve and the appliance and repair of or replacement of parts to the appliance. Such special, restricted license shall require certification pursuant to industry-accredited certification standards.

Sec. 22. Section 105.18, subsection 3, paragraph d, Code 2013, is amended to read as follows:

d. An individual that holds either a master or journeyman HVAC license or a master or journeyman refrigeration mechanical license or a master or journeyman HVAC-refrigeration license shall be exempt from having to obtain a special electrician's license pursuant to chapter 103 in order to perform disconnect and reconnect of existing air conditioning and refrigeration systems.

Sec. 23. Section 105.18, subsection 4, Code 2013, is amended by striking the subsection.

Sec. 24. Section 105.19, subsections 2 and 3, Code 2013, are amended to read as follows:

2. If the applicant is engaged in plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic work individually through a business conducted as a sole proprietorship, the applicant shall personally obtain the insurance and surety bond required by this section. If the applicant is engaged in the plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic business as an employee or owner of a legal entity, then the insurance and surety

bond required by this section shall be obtained by the entity and shall cover all plumbing or mechanical work performed by the entity.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensed contractor shall maintain on file with the board a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving ~~fifteen~~ ten days' written notice to the board.

Sec. 25. Section 105.20, subsection 3, Code 2013, is amended to read as follows:

3. a. The board shall notify each licensee by mail at least sixty days prior to the expiration of a license.

b. This subsection is repealed effective December 31, 2016.

Sec. 26. Section 105.21, Code 2013, is amended to read as follows:

105.21 Reciprocal licenses.

The board may license without examination a nonresident applicant who is licensed under plumbing, HVAC, ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional licensing statutes of another state having similar licensing requirements as those set forth in this chapter and the rules adopted under this chapter if the other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained Iowa plumbing or mechanical professional licenses under this chapter. The board shall adopt the necessary rules, not inconsistent with the law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

Sec. 27. Section 105.22, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A license to practice as a contractor or as a plumbing, HVAC, ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional may be revoked or suspended, or an application for licensure may be denied pursuant to procedures established pursuant to chapter 272C by the board, or the licensee may be otherwise disciplined in accordance with that chapter, when the licensee commits any of the following acts or offenses:

Sec. 28. Section 105.22, subsection 8, Code 2013, is amended to read as follows:

8. Aiding and abetting a person who is not licensed pursuant to this chapter in that person's pursuit of an unauthorized and unlicensed plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic professional practice.

Sec. 29. Section 105.25, Code 2013, is amended to read as follows:

105.25 Advertising — violations — penalties.

1. Only a person who is duly licensed pursuant to this chapter may advertise the fact that the person is licensed as a contractor or as a plumbing, HVAC, ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional by the state of Iowa.

2. All written advertisements distributed in this state by a person who is engaged in the business of designing, installing, or repairing plumbing, HVAC, refrigeration, sheet metal, or hydronic systems shall include the listing of ~~at least one master~~ the contractor license number, as applicable. ~~A master plumbing, HVAC, refrigeration, or hydronic professional shall not allow the master's license number to be used in connection with the advertising for more than one person engaged in the business of designing, installing, or repairing plumbing, HVAC, refrigeration, or hydronic systems.~~

3. A person who fraudulently claims to be a licensed contractor or a licensed plumbing, HVAC, ~~refrigeration,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional pursuant to this chapter, either in writing, cards, signs, circulars, advertisements, or other communications, is guilty of a simple misdemeanor.

4. ~~A person who fraudulently lists a contractor or a master plumbing, HVAC, refrigeration, or hydronic license number in connection with that person's advertising or falsely displays a contractor or a master plumbing, HVAC, refrigeration, or hydronic professional license number is guilty of a simple misdemeanor. In order to be entitled to use a license number of a master plumbing, HVAC, refrigeration, or hydronic professional, the master plumbing, HVAC, refrigeration, or hydronic professional must be employed by the person in whose~~

~~name the business of designing, installing, or repairing plumbing or mechanical systems is being conducted. A person who fraudulently lists a license number in connection with that person's advertising or falsely displays a license number is guilty of a simple misdemeanor.~~

Sec. 30. Section 105.29, Code 2013, is amended to read as follows:

105.29 Report of violators.

Every licensee and every member of the board shall report to the board the name of every person who is practicing as a contractor or as a ~~plumber or plumbing,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional without a license issued pursuant to this chapter pursuant to the knowledge or reasonable belief of the person making the report. The opening of an office or place of business for the purpose of providing any services for which a license is required by this chapter, the announcing to the public in any way the intention to provide any such service, the use of any professional designation, or the use of any sign, card, circular, device, vehicle, or advertisement, as a provider of any such services shall be prima facie evidence of engaging in the practice of a contractor or a ~~plumber or plumbing,~~ mechanical, HVAC-refrigeration, sheet metal, or hydronic professional.

Sec. 31. NEW SECTION. **105.31 Licenses.**

1. *License expiration.*

a. All licenses that currently possess an expiration date prior to June 30, 2014, shall be granted a one-time extension of the expiration date to June 30, 2014, at no additional charge or continuing education requirements. The licensees of these licenses shall pay a full renewal fee upon renewal and shall be issued a license with an expiration date of June 30, 2017. Applicable late renewal fees shall apply during this period.

b. Licenses with an expiration date of July 1, 2014, or later shall have the license renewal fee prorated using a one-sixth deduction for each six-month period following July 1, 2014. Applicable late renewal fees shall apply during this period. Licenses renewed through June 29, 2017, shall be issued with an expiration date of June 30, 2017.

2. *License reissue.* A license reissued pursuant to this subsection shall be for the same level of license held by the licensee on the effective date of this Act, but may be for a class described in paragraphs "a" through "e", if applicable. A license shall be reissued at the date of the first renewal.

a. An individual with either an HVAC or a refrigeration license will be issued an HVAC-refrigeration license.

b. An individual who holds an HVAC and a hydronic license will be issued a mechanical license at the first renewal.

c. An individual who holds a refrigeration and a hydronic license will be issued a mechanical license.

d. An individual who holds only a hydronic license will be issued a hydronic license.

e. An individual who holds an HVAC or a refrigeration license may take the hydronic test before June 30, 2014, in order to be issued a mechanical license at the time of renewal.

Sec. 32. NEW SECTION. **105.32 Transition provisions.**

A licensee whose license expires between June 30, 2014, and July 1, 2017, may voluntarily renew their license early so they may have an expiration date of June 30, 2017. This voluntary early renewal may happen at any time on or after July 1, 2014. The department shall promulgate rules that allow for this one-time early renewal process, including fees and continuing education requirements.²

Sec. 33. Section 331.301, subsection 6, paragraph b, Code 2013, is amended to read as follows:

b. A county shall not impose any fee or charge on any individual or business licensed by the board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal or hydronic systems work within the scope of the license. This paragraph does not prohibit a

² See chapter 140, §57 herein

county from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

Sec. 34. Section 364.3, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. A city shall not impose any fee or charge on any individual or business licensed by the board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal or hydronic systems work within the scope of the license. This paragraph does not prohibit a city from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

Sec. 35. ADMINISTRATIVE RULES. The department³ shall adopt all initial rules, and amendments to existing rules, necessary for the implementation of this Act.

Sec. 36. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 26, 2013

³ See chapter 140, §83 herein